

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KAREN NOVICK,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, et al.

Defendants

09-Civ.-06865(RJH)(AJP)

NOTICE OF MOTION

DOCUMENT

ELECTRONICALLY FILED

PLEASE TAKE NOTICE that upon the Declaration of Alan H. Casper, Esquire dated February 3, 2012 and the exhibits annexed thereto, the Plaintiff's Statement of Facts pursuant to Local Rule 56.1, and the Memorandum of Law in support, all simultaneously submitted, Plaintiff Karen Novick will move this Court, on a date and at a time set by the Court, before the Honorable Richard J. Holwell, U.S.D.J., at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York 10007 for an Order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment to Plaintiff and against Defendants Metropolitan Life Insurance Company and MetLife Options and Choices Plan No. 512, reinstating Plaintiff onto claim status for both Short Term Disability [STD] and Long Term Disability [LTD] benefits under defendants' Plan governed by the Employee Retirement Income Security Act of 1974 [ERISA], 29 U.S.C. §1001, *et seq.*, awarding Plaintiff all retroactive STD and LTD benefits currently due and owing, plus statutory interest, permitting her attorneys to petition the Court for an award of attorneys' fees, and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

By: /s/ Alan H. Casper
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Dated: February 3, 2012

V. **CERTIFICATE OF SERVICE**

I, ALAN H. CASPER, ESQUIRE, hereby certify that I have served a true and correct copy of the foregoing by Electronic Filing and First Class U.S. Mail on the following:

Michael H. Bernstein, Esquire
John T. Seybert, Esquire
Sedgwick, Detert, Moran & Arnold, LLP
125 Broad Street, 39th Floor
New York, NY 10004-2400

By: /s/ Alan H. Casper
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